IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 12891 of 2004

Between:

Bhagyalaxmi Sambhavana Sangam Tungaturthy (V) Peddavoora (M) of Nalgonda Dist.,rep.by its Group Leader, Smt.V.Saidamma.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Miryalaguda, Nalgonda Dist.
2 The Mandal Revenue Officer, Pedavoora (M), Nalgonda Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction preferably writ of mandamus declaring the notification No.E2/1683/2004 dt. 12-7-2004 issued by 1st respondent in so far as the petitioner's fair price shop is concerned i.e. Tungaturthy (V) Pedavoora(M) of Nalgonda District as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents to continue the petitioner as F.P.Shop dealer as usual since she is having valid and subsisting authorization.

Counsel for the Petitioner:MR.KOWTURU VINAYA KUMAR

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following Order:

The petitioner seeks a Writ of *Mandamus* declaring the impugned notification dated 12-07-2004, as illegal and arbitrary.

It is not in dispute that the petitioner was appointed as temporary dealer in respect of Fair Price Shop of Tungaturthy Village, Peddavoora Mandal, Nalgonda District on 19-06-2002. In pursuance thereof, the petitioner has been granted authorization, which is valid up to 31-03-2005. While so, the first respondent-Revenue Divisional Officer, Miryalaguda, Nalgonda District issued impugned notification dated 12-07-2004 inviting applications for appointment of a dealer on permanent basis in respect of the said Fair Price Shop. The said notification is under challenge in this writ petition.

I have heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

The contention of the learned counsel for the petitioner is that since the petitioner has been granted authorization and the same is valid up to 31-03-2005, the first respondent is not entitled to notify the vacancy.

On the other hand, learned Government Pleader states that the appointment of the petitioner is only on temporary basis and therefore, the first respondent is entitled to make a permanent appointment in respect of the said shop after notifying the

vacancy.

Though the learned counsel for the petitioner raised a contention that subsequently, the petitioner has been appointed on permanent basis, nothing has been placed before this Court to substantiate the said plea. The only document placed before this Court is the authorization, which is valid up to 31-03-2005. May be that the authorization granted in favour of the petitioner is valid up to 31-03-2005, however, when the appointment itself is on temporary basis, I am unable to appreciate the contention of the learned counsel for the petitioner that the vacancy cannot be notified as long as the authorization granted in favour of the petitioner is valid. The law is well settled that a temporary dealer cannot claim any vested right either for appointment on permanent basis or for continuation for any specific period

In the circumstances, I do not find any infirmity in the action of the first respondent in notifying the vacancy.

Accordingly, the writ petition is dismissed. It is need less to mention that the interim order granted earlier stands vacated.

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05-10-2004

kdl

To

1 The Revenue Divisional Officer, Miryalaguda, Nalgonda Dist.
2 The Mandal Revenue Officer, Pedavoora (M), Nalgonda Dist.

3 Two C.Cs. to the Government Pleader for Civil Supplies, High Court Buildings, A.P., Hyderabad (OUT).

4 Two C.D. Copies.